

1 CHRISTOPHER CHIOU
2 Acting United States Attorney
3 Nevada Bar Number 14853
SUSAN CUSHMAN
3 Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
4 Las Vegas, Nevada 89101
Tel: 702.388.6336
5 Fax: 702.388-6418
6 Susan.cushman@usdoj.gov
Attorneys for the United States

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

Case No. 2:02-cr-404-GMN-EJY

10 Plaintiff,

Motion to Dismiss the Indictment
Without Prejudice and Quash Warrant

11 v.

12 BRIAN LEE KISSINGER,

13 Defendant.

14
15 On July 24, 2002, a federal grand jury returned an indictment charging Defendant
16 KISSINGER with Conspiracy to Distribute a Controlled Substance in violation of 21
17 U.S.C. §§ 846, 841(a)(1) and (b)(1)(C) and related offenses. ECF 1. On August 12, 2003,
18 a warrant was issued as to KISSINGER for failure to appear. ECF 41. KISSINGER has
19 never been located by the FBI, the investigating agency, and therefore the arrest warrant
20 remains unexecuted.

21 ...

22 ...

23 ...

24 ...

1 Therefore, pursuant to Federal Rule of Criminal Procedure 48(a), the government
2 hereby moves for leave of Court to dismiss the Indictment without prejudice and quash the
3 arrest warrant as to Defendant KISSINGER.

4 Respectfully submitted this 17th day of June, 2021.

Respectfully submitted,

CHRISTOPHER CHIOU
Acting United States Attorney

/s/ Susan Cushman
SUSAN CUSHMAN
Assistant United States Attorney

1
2 **UNITED STATES DISTRICT COURT**
3 **DISTRICT OF NEVADA**

4 UNITED STATES OF AMERICA,

Case No. 2:02-cr-404-GMN-EJY

5 Plaintiff,

**Proposed Order Granting
Motion to Dismiss the Indictment
Without Prejudice and Quash Arrest
Warrant**

6 v.

7 BRIAN LEE KISSINGER,

8 Defendant.

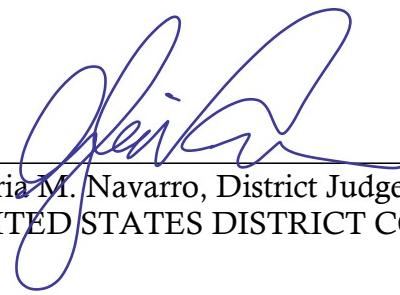
9 Pursuant to Federal Rule of Criminal Procedure 48(a), and upon leave of Court, the
10 United States hereby dismisses without prejudice the Indictment and quashes the Arrest
11 Warrant against Defendant BRIAN LEE KISSINGER.

12 CHRISTOPHER CHIOU
13 Acting United States Attorney

14 */s/ Susan Cushman* _____
15 SUSAN CUSHMAN
16 Assistant United States Attorney

17 **IT IS SO ORDERED.**

18 DATED this 21 day of June, 2021.

19 
20 _____
21 Gloria M. Navarro, District Judge
22 UNITED STATES DISTRICT COURT